

REMARKS/ARGUMENTS

These remarks are made in response to the final Office Action of January 25, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

On the basis of new grounds of rejection noted in the Office Action, Claims 1-15 were rejected. Claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-15 were rejected under 103(a) as being unpatentable over U.S. Published Patent Application 2003/0225600 to Slivka, *et al.* (hereinafter Slivka) in view of Non-Patent Literature, "Travelers Leave for Portugal after 24-Hour Wait for Plane", by M. Ingram, *The Globe and Mail*, June 26, 1986, pg. A21, (hereinafter Ingram), and in further view of U.S. Published Patent Application 2003/0191678 to Shetty, *et al.* (hereinafter Shetty). Additionally, Claim 8 was objected to due to informalities.

Although Applicants respectfully disagree with the rejections, Applicants nevertheless have amended certain claims so as to expedite prosecution of the present application. Applicants respectfully note, however, that the amendments are not intended as, and should not be interpreted as, the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

In particular, Applicants have amended independent Claims 1, 8, and 15 have been amended to further emphasize certain aspects of the invention. The claim amendments, moreover, address the issues raised under 35 U.S.C. § 112 as well as the informality noted with respect to Claim 8. The claim amendments, as discussed herein, are fully

supported throughout the Specification. No new matter has been introduced by virtue of any of the claim amendments.

Claim Amendments

At this juncture, it may be useful to reiterate certain aspects of the invention. One embodiment, as exemplified by amended Claim 1, is a method for re-booking passengers from cancelled flights.

The method can include determining a plurality of alternative flights for the passengers offered by an airline operating the cancelled flights and other airlines and obtaining passenger data for each of the passengers. The passenger data, more particularly, can include passenger re-booking costs that include a cost to the airline which has cancelled a flight to re-book the passenger on one of the alternative flights offered by the other airlines, and any accommodation costs associated with each one of the alternative flights offered by the airline, including hotel and meal charges, of accommodating the passenger until the alternative flight offered by the airline is available.

The method also can include weighting each element of the passenger data using a predetermined set of weights. (See, e.g., Specification, paragraph [0023], lines 9-12.) The weights can be determined based upon expressed preferences of the airline. (See, e.g., Specification, paragraph [0023], lines 9-12.) Additionally, the method can include determining a weighted score for each passenger, the weighted score being based upon the weighted passenger data elements. (See, e.g., Specification, paragraph [0023], lines 9-12.) The method further can include comparing the weighted scores for the passengers with one or more rules, and offering at least a portion of the alternative flights to the passengers based upon the comparing step.

The Claims Define Over The References

As already noted, independent Claims 1, 8, and 15 were rejected as being unpatentable over Slivka, in view of Ingram, and further in view of Shetty. Applicants respectfully submit, however, that as amended the claims define over each of Slivka, Ingram, and Shetty, whether the references are taken alone or in combination.

Weighting Passenger Data

For example none of the references discloses weighting different elements of data associated with each passenger, as recited in Claims 1, 8, and 15. Slivka provides a rules engine, but Slivka's rules engine merely assigns, or "associates," a "data code" (e.g., a "frequent flyer status" or "class of service") reflecting a "type" or "status." (See, e.g., Slivka, paragraph [0024].) No numerical weights are assigned or associated with different data elements in Slivka.

Shetty likewise fails to teach or suggest any weighting of passenger data. Indeed, Shetty is focused exclusively on ranking "flight disruptions," not passengers. More fundamentally, Shetty's rankings are based on a "common denominator." (See, e.g., Shetty, paragraph [0006].) Shetty, accordingly, does not provide any type of weighting of data elements, let alone ones determined in accordance with airline preference. Ingram is similarly silent regarding any type of weighting of data elements.

Determining Weighted Scores

It follows that in failing to provide any weighting of elements of passenger data, none of the references are capable of determining a weighted score for passengers.

Slivka provides only a qualitative ranking of elements in a passenger profile. (Shetty, Table 3 in paragraph [0029].) This precludes Slivka's making any type of quantitative assessment as can be accomplished by weighting data elements. Thus, more fundamentally, Slivka fails to teach or suggest weighting any elements of the passenger profile.

Shetty, as already noted, provides a ranking based not on any kind of weighting of data elements, but rather one based on a "common denominator." (Shetty, paragraph [0006].) Shetty provides a list of rescheduling constraints (see, Shetty, Table 5 of paragraph [0072]), but no weights are assigned to any of the listed constraints. Shetty further provides for determining "cascade effects" of different flight re-scheduling decisions, but nowhere teaches or suggests determining a weighted score for each of a plurality of passengers. Ingram similarly fails to teach or suggest any similar type feature.

Accordingly, not Slivka, Ingram, or Shetty teaches or suggests every feature recited in Claims 1, 8, and 15. Applicants respectfully submit, therefore, that Claims 1, 8, and 15 each define over the prior art. Applicants further respectfully submit that, whereas each of the remaining claims depends from Claim 1, 8, or 15 while reciting additional features, each of the dependent claims likewise defines over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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